

**SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY**

SUBJECT: Set public hearing on September 8, 2009, at 5:00 p.m. at the Bushnell Government Annex, Room 142, 910 North Main Street, Bushnell, Florida, for revision to ordinance relating to funding state court facilities

REQUESTED ACTION: **Staff Recommends Approval**

☐ Work Session (Report Only) **DATE OF MEETING:** 8/25/2009
☒ Regular Meeting ☐ Special Meeting

CONTRACT: ☒ N/A Vendor/Entity: _____
Effective Date: _____ Termination Date: _____
Managing Division / Dept: _____

BUDGET IMPACT: Increase from \$15 to \$30 on surcharge to non-criminal traffic violations or criminal violations (Annual Impact from ~\$230,000 to \$460,000)

☒ Annual **FUNDING SOURCE:** Surcharge authorized by Section 318.14, 318.17, 318.18, F.S.

☐ Capital **EXPENDITURE ACCOUNT:** Fund 127
☐ N/A

HISTORY/FACTS/ISSUES:

Article V of the Florida Constitution establishes the judicial branch of state government and defines the elements of the state courts system, including trial and appeals courts.

In 1998, voters passed Revision 7 to Article V, which directs the state to pay for "essential elements" of the trial courts system; counties previously paid for some of these functions. The state assumed additional costs by 2004. The buildings and operation of building for the state court system were left to be funded by the county.

Legislation was passed to provide the county with the ability to adopt a surcharge assessed on non-criminal traffic infractions and criminal violations for the specific purpose of funding state court facilities.

Sumter County did adopt an ordinance in June 2004 to assess the surcharge. The surcharge has provided approximately \$1.182 million to date that has been used primarily for the capital improvements to the state court facilities and secondarily for operating costs. The state court facilities are facilities for the circuit and county courts, public defenders' offices, state attorneys' offices, guardian ad litem offices, and the offices of the clerks of the circuit and county courts performing court-related functions (Section 29.008, F.S.).

The FY 2009/10 budget projects revenue of \$230,724 from the surcharge. Increasing the surcharge from \$15.00 to \$30.00 would double the projection to approximately \$460,000 annually.

DEPARTMENT RECOMMENDATION:

DEPARTMENT HEAD SIGNATURE _____

DIVISION RECOMMENDATION: Set public hearing to consider ordinance revision with

SUMTER COUNTY ORDINANCE 2009-

AN ORDINANCE OF SUMTER COUNTY, FLORIDA, PROVIDING FOR THE AMENDMENT OF CHAPTER 7, SECTION 7-7 OF THE SUMTER COUNTY CODE WITH THE PURPOSE OF UPDATING AND CLARIFYING THE IMPOSITION OF A SURCHARGE ON ANY PENALTIES IMPOSED FOR NON-CRIMINAL TRAFFIC VIOLATIONS OR CRIMINAL VIOLATIONS LISTED IN SECTION 318.17, FLORIDA STATUTES, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as a result of an Act of the Florida Legislature, signed into law by the Governor, Laws of Florida 2009-204, the surcharge for the funding of court facilities imposed by Chapter 7, Section 7-7 of the Sumter County Code has been increased as stated herein.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Sumter County, Florida, as follows:

SECTION 1. This ordinance shall be known as the 2009 Updated Sumter Civil and Criminal Penalty Surcharge Ordinance, and is intended to amend Chapter 7, Section 7 of the Sumter County Code.

SECTION 2. Section 7-7 of the Sumter County Code is deleted in its entirety and replaced with the following language:

(a) Pursuant to F.S. § 318.18(13)(a)1, every person who pays a fine or civil penalty for any violation of a non-criminal traffic infraction pursuant to F.S. ch. 318 and every person who pleads guilty or nolo contendere to or is convicted of, regardless of adjudication, a violation of a non-criminal traffic infraction or a criminal violation of F.S. § 318.17, shall be assessed a surcharge of thirty dollars (\$30.00). A non-criminal traffic infraction is defined in F.S. § 318.14(1).

(b) The court shall order payment of this additional court costs in all matters subject to this section and the clerk of court shall add this surcharge to all payments of fines or civil penalties for any violation of a non-criminal traffic infraction.

(c) The funds collected pursuant to this section shall be used to fund state court facilities. Funds collected pursuant to this section shall be expended in accordance with the direction of the board of county commissioners.

SECTION 3. CODIFICATION.

It is the intention of the Sumter County Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Sumter County Code and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention.

SECTION 4. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not effect other provisions or applications of the Ordinance which can be given the effect without the invalid provision or application, and to this end, the provision of this act are declared severable.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on October 1, 2009.

DONE AND ORDAINED this ____ day of _____ 2009, in regular session by the Sumter County Board of County Commissioners in Bushnell, Florida.

ATTEST: GLORIA HAYWARD
CLERK OF CIRCUIT COURT

SUMTER COUNTY, FLORIDA

Deputy Clerk

By: Garry Breeden
Chairman

(SEAL)

any change becoming effective October 1, 2009.

DIVISION DIRECTOR SIGNATURE: _____

COUNTY ADMINISTRATOR RECOMMENDED ACTION:

ACTION TAKEN BY THE BOARD:

DATE:

Howell, Sandee

From: Gloria Hayward, Sumter County Clerk of Court [sumterclerk@sumterclerk.com]
Sent: Wednesday, August 12, 2009 1:42 PM
To: Howell, Sandee
Subject: RE: Surcharge Increase

Good afternoon Sandee,

The ordinance will have to be amended to increase to \$30.00. We need time to process the changes on the application and redo the handouts and notify law enforcement agencies, so please don't make it effective until October 1st. I can tell you that our projections for citations filed are down by almost 16 % for the upcoming year. Revenue collections on what is filed is also down over 18%. I don't know if this additional increase will impact the issuance even more as the penalties are so high that the officers are just not issuing citations in these hard economic times.

Gloria ☺

From: Howell, Sandee [mailto:Sandra.Howell@sumtercountyfl.gov]
Sent: Wednesday, August 12, 2009 11:32 AM
To: Gloria Hayward, Sumter County Clerk of Court
Cc: Arnold, Bradley
Subject: Surcharge Increase

Gloria,

The Board has asked for us to provide a review of increasing the \$15.00 surcharge that goes to funding state court facilities to \$30.00 as allowed by a recent change in statutes. We currently use the funds for capital improvements made to the court buildings.

We welcome any comment and/or considerations you have for the Board's review of this matter. I am preparing a review document that will be on the Board agenda for 8/25/09.

Sandra Howell
Assistant County Administrator
910 North Main Street
Bushnell, Florida 33513

(352) 793-0200 Voice
(352) 793-0207 FAX

Sandra.Howell@sumtercountyfl.gov

***** Important Notice *****

The Board of Sumter County Commissioners is a public agency subject to Chapter 119 of Florida Statutes concerning public records.

8/12/2009

BCC Ordinance

Sec. 7-7. Surcharge for non-criminal traffic infractions or violations.

(a) Pursuant to F.S. § 318.18(13)(a), every person who pays a fine or civil penalty for any violation of a non-criminal traffic infraction pursuant to F.S. ch. 318 and every person who pleads guilty or nolo contendere to or is convicted of, regardless of adjudication, a violation of a non-criminal traffic infraction or a criminal violation of F.S. § 318.17, shall be assessed a surcharge of fifteen dollars (\$15.00). A non-criminal traffic infraction is defined in F.S. § 318.14 (1).

(b) The court shall order payment of this additional court costs in all matters subject to this section and the clerk of court shall add this surcharge to all payments of fines or civil penalties for any violation of a non-criminal traffic infraction.

(c) The funds collected pursuant to this section shall be used to fund state court facilities. Funds collected pursuant to this section shall be expended in accordance with the direction of the board of county commissioners.

(Ord. No. 2004-17, § 1, 6-22-04)

Editor's note: Ord. No. 2004-17, § 1, adopted June 22, 2004, did not specifically amend the Code. Hence, its inclusion herein as section 7-7 was at the discretion of the editor.

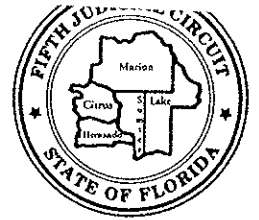


STATE OF FLORIDA

FIFTH JUDICIAL CIRCUIT

ADMINISTRATIVE OFFICE OF THE COURTS

CITRUS, HERNANDO, LAKE, MARION AND SUMTER COUNTIES

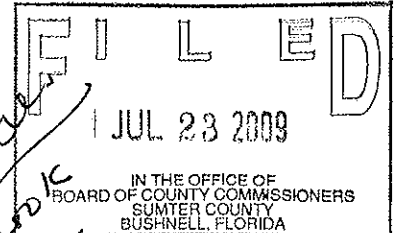


Daniel B. Merritt, Sr.
Chief Judge

David M. Trammell
Trial Court Administrator

July 21, 2009

Sandy Howell, Assistant County Administrator
Sumter County Board of County Commissioners
209 North Florida Street, Suite 3
Bushnell, FL 33513-6146



*Stat Facilities
at Facility
\$175K
Annually*

Dear Ms. Howell:

I am writing in reference to the enacted SB2108 which took affect July 30th 2009. This new law (copy attached) authorizes the Sumter County Board of County Commissioners to increase the surcharge of \$15.00, for non-criminal traffic violations or criminal violations listed in Section 318.17, F.S., to fund state court facilities, to \$30.00.

If this increase is approved by the Board of County Commissioners, this funding revenue source will come from this mandatory additional court costs pursuant to your Sumter County Ordinance Sec. 7-7, to offset any Sumter County ad valorem general revenue funding for state court facilities.

If you have questions or need additional information, please contact Todd Tuzzolino at (352) 401-6702 email ttuzzolino@circuit5.org

Sincerely,

David M. Trammell
Trial Court Administrator

Copy To:

Commrs	Pub Wks Div
Co Atty	Bldg & Dev Div
Co Fl	Admin Div
Other	Com Svcs Div

- | | | | | |
|--|---|---|---|---|
| <input type="checkbox"/> Citrus County Courthouse
110 N. Apopka Avenue
Inverness, FL 34450
(352) 341-6700
Fax (352) 341-7008 | <input type="checkbox"/> Hernando County Courthouse
20 N. Main Street
Brooksville, FL 34601
(352) 754-4402
Fax (352) 754-4273 | <input type="checkbox"/> Lake County Judicial Center
888 Duncan Drive/P.O. 7800
Tavares, FL 32778
(352) 253-0900
Fax (352) 343-9286 | <input checked="" type="checkbox"/> Marion County Judicial Center
110 N.W. First Avenue
Ocala, FL 34475
(352) 401-6701
Fax (352) 401-7883 | <input type="checkbox"/> Sumter County Courthouse
225 E. McCollum Avenue
Bushnell, FL 33513
(352) 569-6088
Fax (352) 569-6098 |
|--|---|---|---|---|

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(13)(a) In addition to any penalties imposed for noncriminal traffic infractions pursuant to this chapter or imposed for criminal violations listed in s. 318.17, a board of county commissioners or any unit of local government that which is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the Constitution of 1968:

1.(a) May impose by ordinance a surcharge of up to \$30 \$15 for any infraction or violation to fund state court facilities. The court shall not waive this surcharge. Up to 25 percent of the revenue from such surcharge may be used to support local law libraries provided that the county or unit of local government provides a level of service equal to that provided prior to July 1, 2004, which shall include the continuation of library facilities located in or near the county courthouse or any annex to the courthouse annexes.

2.(b) May, if such board or unit That imposed increased fees or service charges by ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the purpose of securing payment of the principal and interest on bonds issued by the county before July 1, 2003, to finance state court facilities, may impose by ordinance a surcharge for any infraction or violation for the exclusive purpose of securing payment of the principal and interest on bonds issued by the county before July 1, 2003, to fund state court facilities until the date of stated maturity. The court shall not waive this surcharge. Such surcharge may not exceed an amount per violation calculated as the quotient of the maximum annual payment of the principal and interest on the bonds as of July 1, 2003, divided by the number of traffic citations for county fiscal year 2002-2003 certified as paid by the clerk of the court of the county. Such quotient shall be rounded up to the next highest dollar amount. The bonds may be refunded only if savings will be realized on payments of debt service and the refunding bonds are scheduled to mature on the same date or before the bonds being refunded. Notwithstanding any of the foregoing provisions of this subparagraph paragraph that limit the use of surcharge revenues, if the revenues generated as a result of the adoption of this ordinance exceed the debt service on the bonds, the surplus revenues may be used to pay down the debt service on the bonds; fund other state-court-facility construction projects as may be certified by the chief judge as necessary to address unexpected growth in caseloads, emergency requirements to accommodate public access, threats to the safety of the public, judges, staff, and litigants, or other exigent circumstances; or support local law libraries in or near the county courthouse or any annex to the courthouse annexes.

3. May impose by ordinance a surcharge for any infraction or violation for the exclusive purpose of securing payment of the principal and interest on bonds issued by the county on or after July 1, 2009, to fund state court facilities until the stated date of maturity. The court may not waive this surcharge. The surcharge may not exceed an amount per violation calculated as the quotient of the maximum annual payment of the principal and interest on the bonds, divided by the number of traffic citations certified as paid by the clerk of the court of the county on August 15 of each year. The

quotient shall be rounded up to the next highest dollar amount. The bonds may be refunded if savings are realized on payments of debt service and the refunding bonds are scheduled to mature on or before the maturity date of the bonds being refunded. If the revenues generated as a result of the adoption of the ordinance exceed the debt service on the bonds, the surplus revenues may be used to pay the debt service on the bonds; to fund other state court facility construction projects certified by the chief judge as necessary to address unexpected growth in caseloads, emergency requirements to accommodate public access, threats to the safety of the public, judges, staff, and litigants, or other exigent circumstances; or to support local law libraries in or near the county courthouse or any annex to the courthouse.

(b) A county may not impose both of the surcharges authorized under subparagraphs (a)1., 2., and 3. paragraphs (a) and (b) concurrently. The clerk of court shall report, no later than 30 days after the end of the quarter, the amount of funds collected under this subsection during each quarter of the fiscal year. The clerk shall submit the report, in a format developed by the Office of State Courts Administrator, to the chief judge of the circuit, the Governor, the President of the Senate, and the Speaker of the House of Representatives, and the board of county commissioners.

Section 17. Each clerk of court shall provide financial data concerning his or her expenditures for court-related duties, including expenditures for court-related information technology, to the Executive Office of the Governor for the purposes contained in SB 1796 or similar legislation.

Section 18. (1) By January 15, 2010, the Office of Program Policy Analysis and Government Accountability, in consultation with the Chief Financial Officer and the Auditor General, shall provide a report to the President of the Senate and the Speaker of the House of Representatives regarding the operation and functions of the clerks of court and the courts. The Office of Program Policy Analysis and Government Accountability shall examine who is performing each court-related function, how each function is funded, and how efficiently these functions are performed. The clerks of court, the Florida Clerks of Court Operations Corporation, and the state courts system are directed to cooperate fully with the office and, upon request, provide any and all information necessary to the review without cost or delay. The report shall describe in detail the base budget for each of the clerks and for the state courts system and report on the overall efficiency of the current process. Administrative overhead shall be calculated separately, and any apparent means to reduce such overhead shall be explored and included in the report. The study shall list each court-related function, a recommendation on who should perform the function, and a recommendation for how to pay for such function.

(2) The Technology Review Workgroup shall develop a proposed plan for identifying and recommending options for implementing the integrated computer system established in s. 29.008(1)(f)2., Florida Statutes. The plan shall describe the approaches and processes for evaluating the existing computer systems and data-sharing networks of the state courts system and the clerks of the court; identifying the required business and technical requirements; reliably estimating the cost, work, and change requirements;

Title V
JUDICIAL BRANCH

Chapter 29
COURT SYSTEM FUNDING

[View Entire Chapter](#)

29.008 County funding of court-related functions.--

(1) Counties are required by s. 14, Art. V of the State Constitution to fund the cost of communications services, existing radio systems, existing multiagency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the circuit and county courts, public defenders' offices, state attorneys' offices, guardian ad litem offices, and the offices of the clerks of the circuit and county courts performing court-related functions. For purposes of this section, the term "circuit and county courts" includes the offices and staffing of the guardian ad litem programs, and the term "public defenders' offices" includes the offices of criminal conflict and civil regional counsel. The county designated under s. 35.05(1) as the headquarters for each appellate district shall fund these costs for the appellate division of the public defender's office in that county. For purposes of implementing these requirements, the term:

(a) "Facility" means reasonable and necessary buildings and office space and appurtenant equipment and furnishings, structures, real estate, easements, and related interests in real estate, including, but not limited to, those for the purpose of housing legal materials for use by the general public and personnel, equipment, or functions of the circuit or county courts, public defenders' offices, state attorneys' offices, and court-related functions of the office of the clerks of the circuit and county courts and all storage. The term "facility" includes all wiring necessary for court reporting services. The term also includes access to parking for such facilities in connection with such court-related functions that may be available free or from a private provider or a local government for a fee. The office space provided by a county may not be less than the standards for space allotment adopted by the Department of Management Services, except this requirement applies only to facilities that are leased, or on which construction commences, after June 30, 2003. County funding must include physical modifications and improvements to all facilities as are required for compliance with the Americans with Disabilities Act. Upon mutual agreement of a county and the affected entity in this paragraph, the office space provided by the county may vary from the standards for space allotment adopted by the Department of Management Services.

1. As of July 1, 2005, equipment and furnishings shall be limited to that appropriate and customary for courtrooms, hearing rooms, jury facilities, and other public areas in courthouses and any other facility occupied by the courts, state attorneys, public defenders, guardians ad litem, and criminal conflict and civil regional counsel. Court reporting equipment in these areas or facilities is not a responsibility of the county.

2. Equipment and furnishings under this paragraph in existence and owned by counties on July 1, 2005, except for that in the possession of the clerks, for areas other than courtrooms, hearing rooms, jury facilities, and other public areas in courthouses and any other facility occupied by the courts, state attorneys, and public defenders, shall be transferred to the state at no charge. This provision does not apply to any communications services as defined in paragraph (f).

(b) "Construction or lease" includes, but is not limited to, all reasonable and necessary costs of the

acquisition or lease of facilities for all judicial officers, staff, jurors, volunteers of a tenant agency, and the public for the circuit and county courts, the public defenders' offices, state attorneys' offices, and for performing the court-related functions of the offices of the clerks of the circuit and county courts. This includes expenses related to financing such facilities and the existing and future cost and bonded indebtedness associated with placing the facilities in use.

(c) "Maintenance" includes, but is not limited to, all reasonable and necessary costs of custodial and groundskeeping services and renovation and reconstruction as needed to accommodate functions for the circuit and county courts, the public defenders' offices, and state attorneys' offices and for performing the court-related functions of the offices of the clerks of the circuit and county court and for maintaining the facilities in a condition appropriate and safe for the use intended.

(d) "Utilities" means all electricity services for light, heat, and power; natural or manufactured gas services for light, heat, and power; water and wastewater services and systems, stormwater or runoff services and systems, sewer services and systems, all costs or fees associated with these services and systems, and any costs or fees associated with the mitigation of environmental impacts directly related to the facility.

(e) "Security" includes but is not limited to, all reasonable and necessary costs of services of law enforcement officers or licensed security guards and all electronic, cellular, or digital monitoring and screening devices necessary to ensure the safety and security of all persons visiting or working in a facility; to provide for security of the facility, including protection of property owned by the county or the state; and for security of prisoners brought to any facility. This includes bailiffs while providing courtroom and other security for each judge and other quasi-judicial officers.

(f) "Communications services" are defined as any reasonable and necessary transmission, emission, and reception of signs, signals, writings, images, and sounds of intelligence of any nature by wire, radio, optical, audio equipment, or other electromagnetic systems and includes all facilities and equipment owned, leased, or used by judges, clerks, public defenders, state attorneys, guardians ad litem, criminal conflict and civil regional counsel, and all staff of the state courts system, state attorneys' offices, public defenders' offices, and clerks of the circuit and county courts performing court-related functions. Such system or services shall include, but not be limited to:

1. Telephone system infrastructure, including computer lines, telephone switching equipment, and maintenance, and facsimile equipment, wireless communications, cellular telephones, pagers, and video teleconferencing equipment and line charges. Each county shall continue to provide access to a local carrier for local and long distance service and shall pay toll charges for local and long distance service.
2. All computer networks, systems and equipment, including computer hardware and software, modems, printers, wiring, network connections, maintenance, support staff or services including any county-funded support staff located in the offices of the circuit court, county courts, state attorneys, public defenders, guardians ad litem, and criminal conflict and civil regional counsel; training, supplies, and line charges necessary for an integrated computer system to support the operations and management of the state courts system, the offices of the public defenders, the offices of the state

attorneys, the guardian ad litem offices, the offices of criminal conflict and civil regional counsel, and the offices of the clerks of the circuit and county courts; and the capability to connect those entities and reporting data to the state as required for the transmission of revenue, performance accountability, case management, data collection, budgeting, and auditing purposes. The integrated computer system shall be operational by July 1, 2006, and, at a minimum, permit the exchange of financial, performance accountability, case management, case disposition, and other data across multiple state and county information systems involving multiple users at both the state level and within each judicial circuit and be able to electronically exchange judicial case background data, sentencing scoresheets, and video evidence information stored in integrated case management systems over secure networks. Once the integrated system becomes operational, counties may reject requests to purchase communications services included in this subparagraph not in compliance with standards, protocols, or processes adopted by the board established pursuant to former s. 29.0086.

3. Courier messenger and subpoena services.

4. Auxiliary aids and services for qualified individuals with a disability which are necessary to ensure access to the courts. Such auxiliary aids and services include, but are not limited to, sign language interpretation services required under the federal Americans with Disabilities Act other than services required to satisfy due-process requirements and identified as a state funding responsibility pursuant to ss. 29.004, 29.005, 29.006, and 29.007, real-time transcription services for individuals who are hearing impaired, and assistive listening devices and the equipment necessary to implement such accommodations.

(g) "Existing radio systems" includes, but is not limited to, law enforcement radio systems that are used by the circuit and county courts, the offices of the public defenders, the offices of the state attorneys, and for court-related functions of the offices of the clerks of the circuit and county courts. This includes radio systems that were operational or under contract at the time Revision No. 7, 1998, to Art. V of the State Constitution was adopted and any enhancements made thereafter, the maintenance of those systems, and the personnel and supplies necessary for operation.

(h) "Existing multiagency criminal justice information systems" includes, but is not limited to, those components of the multiagency criminal justice information system as defined in s. 943.045, supporting the offices of the circuit or county courts, the public defenders' offices, the state attorneys' offices, or those portions of the offices of the clerks of the circuit and county courts performing court-related functions that are used to carry out the court-related activities of those entities. This includes upgrades and maintenance of the current equipment, maintenance and upgrades of supporting technology infrastructure and associated staff, and services and expenses to assure continued information sharing and reporting of information to the state. The counties shall also provide additional information technology services, hardware, and software as needed for new judges and staff of the state courts system, state attorneys' offices, public defenders' offices, guardian ad litem offices, and the offices of the clerks of the circuit and county courts performing court-related functions.

(2) Counties shall pay reasonable and necessary salaries, costs, and expenses of the state courts system, including associated staff and expenses, to meet local requirements.

(a) Local requirements are those specialized programs, nonjudicial staff, and other expenses associated with specialized court programs, specialized prosecution needs, specialized defense needs, or resources required of a local jurisdiction as a result of special factors or circumstances. Local requirements exist:

1. When imposed pursuant to an express statutory directive, based on such factors as provided in paragraph (b); or

2. When:

a. The county has enacted an ordinance, adopted a local program, or funded activities with a financial or operational impact on the circuit or a county within the circuit; or

b. Circumstances in a given circuit or county result in or necessitate implementation of specialized programs, the provision of nonjudicial staff and expenses to specialized court programs, special prosecution needs, specialized defense needs, or the commitment of resources to the court's jurisdiction.

(b) Factors and circumstances resulting in the establishment of a local requirement include, but are not limited to:

1. Geographic factors;

2. Demographic factors;

3. Labor market forces;

4. The number and location of court facilities; or

5. The volume, severity, complexity, or mix of court cases.

(c) Local requirements under subparagraph (a)2. must be determined by the following method:

1. The chief judge of the circuit, in conjunction with the state attorney, the public defender, and the criminal conflict and civil regional counsel only on matters that impact their offices, shall identify all local requirements within the circuit or within each county in the circuit and shall identify the reasonable and necessary salaries, costs, and expenses to meet these local requirements.

2. On or before June 1 of each year, the chief judge shall submit to the board of county commissioners a tentative budget request for local requirements for the ensuing fiscal year. The tentative budget must certify a listing of all local requirements and the reasonable and necessary salaries, costs, and expenses for each local requirement. The board of county commissioners may, by resolution, require the certification to be submitted earlier.

3. The board of county commissioners shall thereafter treat the certification in accordance with the county's budgetary procedures. A board of county commissioners may:

- a. Determine whether to provide funding, and to what extent it will provide funding, for salaries, costs, and expenses under this section;
 - b. Require a county finance officer to conduct a preaudit review of any county funds provided under this section prior to disbursement;
 - c. Require review or audit of funds expended under this section by the appropriate county office; and
 - d. Provide additional financial support for the courts system, state attorneys, public defenders, or criminal conflict and civil regional counsel.
- (d) Counties may satisfy these requirements by entering into interlocal agreements for the collective funding of these reasonable and necessary salaries, costs, and expenses.

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(3) The following shall be considered a local requirement pursuant to subparagraph (2)(a)1.:

- (a) Legal aid programs, which shall be funded at a level equal to or greater than the amount provided from filing fees and surcharges to legal aid programs from October 1, 2002, to September 30, 2003.
- (b) Alternative sanctions coordinators pursuant to ss. 984.09 and 985.037.

(4)(a) The Department of Financial Services shall review county expenditure reports required under s. 29.0085 for the purpose of ensuring that counties fulfill the responsibilities of this section. The department shall compare county fiscal reports to determine if expenditures for the items specified in paragraphs (1)(a)-(h) and subsection (3) have increased by 1.5 percent over the prior county fiscal year. The initial review must compare county fiscal year 2005-2006 to county fiscal year 2004-2005. If the department finds that expenditures for the items specified in paragraphs (1)(a)-(h) and subsection (3) have not increased by 1.5 percent over the prior county fiscal year, the department shall notify the President of the Senate and the Speaker of the House of Representatives and the respective county. The Legislature may determine that a county has met its obligations for items specified in this section if the prior county fiscal year included nonrecurring expenditures for facilities or information technology that is not needed in the next county fiscal year or expenditures or actions that enable a county to attain efficiencies in providing services to the court system. The Legislature may direct the Department of Revenue to withhold revenue-sharing receipts distributed pursuant to part II of chapter 218, except for revenues used for paying the principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness allowed under s. 218.25(1), (2), or (4), from any county that is not in compliance with the funding obligations in this section by an amount equal to the difference between the amount spent and the amount that would have been spent had the county increased expenditures by 1.5 percent per year.

(b) The department shall transfer the withheld payments to the General Revenue Fund by March 31 of each year for the previous county fiscal year. These payments are appropriated to the Department of Revenue to pay for these responsibilities on behalf of the county.

History.--s. 8, ch. 2000-237; s. 1, ch. 2001-265; ss. 44, 45, ch. 2003-402; s. 28, ch. 2004-265; s. 17, ch. 2005-236; s. 105, ch. 2006-120; s. 6, ch. 2006-122; s. 19, ch. 2007-6; s. 19, ch. 2007-62.

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